

# Order

Entered: June 30, 2004

Michigan Supreme Court  
Lansing, Michigan

ADM File Nos. 2002-06  
2003-02

Amendment of Rule 2 of the  
Rules for the Board of Law Examiners

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Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments are adopted, effective immediately.

[The present language is amended as indicated below  
by underlining for additions and strikeouts for deletions.]

## Rule 2 Admission by Examination

- (A) [Unchanged.]
- (B) Before taking the examination, the applicant must obtain a JD, ~~LLB, or LLM~~ degree from a reputable and qualified law school that
- (1) is incorporated in the United States, its territories, or the District of Columbia; and
  - (2) requires for graduation 3 school years of study for full-time students, and 4 school years of study for part-time or night students. A school year must be at least 30 weeks.

A law school approved by the American Bar Association is reputable and qualified. Other schools may ask the Board to approve the school as reputable and qualified. In the event the law school has ceased operations since an applicant's graduation, the request for approval may be made by the applicant. The Board may in its discretion permit applicants who do not possess a JD degree from an ABA-approved law school to take the examination based upon factors including, but not limited to, relevant legal education, such as an LLM degree from a reputable and qualified law school, and experience that otherwise qualifies the applicant to take the examination. ~~If the applicant has obtained an LLM degree from an approved law school, the applicant's JD or LLB need not be from an approved law school.~~

- (C) – (F) [Unchanged.]

Staff Comment: The June 30, 2004, amendments, which were given immediate effect, eliminate the so-called “LLM exception” to the requirement that an applicant possess a JD degree from an ABA-approved law school to sit for the Michigan bar examination. The language added to Rule 2(B)(2) gives the Board of Law Examiners discretion to permit an applicant who does not possess a JD degree from an approved law school to take the bar examination based upon relevant experience and legal education, such as an LLM degree from an approved law school. The new language also permits an applicant whose law school is no longer in operation to request approval of the law school as reputable and qualified.

The staff comment is not an authoritative construction by the Court.

MARKMAN, J. (*concurring*). I write separately to express my view that the Board of Law Examiners should ensure that reasonable accommodation is made for those applicants for examination who have relied upon the current rule in obtaining their legal educations.

KELLY, J., concurs with MARKMAN, J.

WEAVER, J. (*dissenting in part*). I respectfully dissent from the Court’s decision to abandon the rule that graduation with an LLM — Master in Laws — degree from a reputable and qualified law school that is incorporated in the United States, its territories, or the District of Columbia, and requires three school years of study for full-time students and four school years of study for part-time or night students, is sufficient qualification to sit for the Michigan Bar Examination.

Since 1979, an applicant who has graduated with an LLM degree from a reputable and qualified law school that is incorporated in the United States, its territories, or the District of Columbia, and requires three school years of study for full-time students and four school years of study for part-time or night students, has been eligible to sit for the Michigan bar examination, even though the applicant obtained his JD from a law school not accredited by the ABA, or is a foreign law graduate who received the equivalent of a JD.

The current rule complies with the legal education requirements statute, MCL 600.940(1), which provides:

Every applicant for examination is required to be a graduate from a reputable and qualified law school duly incorporated under the laws of this state or another state or territory, or the District of Columbia, of the United States of America.

Neither the Board of Law Examiners, which urged the abandonment of the LLM rule, nor the majority offers a compelling explanation for the decision to abandon this provision that more than meets the requirements of the statute passed by the Michigan Legislature.

Further, there is no allegation that the licensed attorneys who earned an LLM from

a reputable and qualified law school that is incorporated in the United States, its territories, or the District of Columbia, and requires three school years of study for full-time students and four school years of study for part-time or night students, but whose foundational legal education was from another country or a law school not accredited by the ABA, are not competent to practice law in Michigan.

I see no need to change the current provisions, and I dissent from the Court's decision to do so.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 30, 2024 Corbin R. Davis  
Deputy Clerk